

REMARKS

In an office communication dated August 5, 2008, the Examiner requests under 37 C.F.R. § 1.105 from the Applicants and assignee of the current patent application answers to two questions:

- (i) Is bentgrass line B99061R/990028 a hybrid of bentgrass lines B99061R and 990028, or is B99061R/990028 a designation of two different names for the same bentgrass line?
- (ii) At or before the time of filing of the instant application or any provisional application to which benefit is claimed, had any of said parental bentgrass lines or progeny therefrom been disclosed or made publicly available? If so, under what designation/denomination and under what conditions were said parental bentgrass lines or progeny disclosed or made publicly available and from when to when?

In response, Applicants submit that the current application was a joint invention by scientists at Monsanto Technology LLP (hereafter “Monsanto”) and The Scotts Company (hereafter “Scotts”). The answer to question (i) is unknown to Monsanto. Regarding question (ii), as far as Monsanto is aware, the parental bentgrass lines or progeny thereof were not disclosed or made publicly available prior to the filing date of the instant application. Monsanto attempted on several occasions to obtain confirmation of this information from Scotts. However, no answers were provided.

Applicants respectfully request that the Examiner accept this response as a complete reply to his requirement for information pursuant to MPEP § 1.105(4) which states:

Any reply to a requirement for information pursuant to this section that states either that the information required to be submitted is unknown to or is not readily available to the party or parties from which it was requested may be accepted as a complete reply.

Fees

A request for a three-month extension of time and the authorization for the associated fee are filed concurrently with this paper. However, should any additional fees under 37 C.F.R. §§ 1.16-1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from the Howrey LLP Deposit Account 08-3038/11899.0236.PCUS00.

Respectfully submitted,



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